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Champaign notification rules on soil cleanup get stricter

Thu, 07/12/2012 - 8:00am | [Patrick Wade](#) [1], staff writer, *The News-Gazette* [2]

CHAMPAIGN — Business owners will have to begin following strict notification rules if they want to leave relatively low levels of contamination in their soil.

City officials this week finalized changes to an ordinance that property owners responsible for chemical cleanups use to gain approval from the Illinois Environmental Protection Agency.

The new rules say that property owners wishing to use the ordinance must notify the general public with a legal ad in *The News-Gazette*, post a sign in the surrounding neighborhood for at least one week, notify adjacent property owners by mail and inform city officials of their intentions.

Anyone who flouts the notification rules would be subject to a \$3,000 fine.

The ordinance itself is known as the "groundwater restriction ordinance," and in simple terms, it makes it illegal for city residents to drill wells to access the groundwater. But what it really does is act as an "institutional control" for business owners or developers when they look to rebuild on a piece of contaminated land. Before they can build on a property once occupied by, for example, a gas station or dry cleaner, they must prove to the IEPA that the soil underneath is no longer harmful.

Some businesses — like those gas stations or dry cleaners — tend to leave behind chemicals in the soil, which can enter the groundwater. The contaminated soil can be expensive to clean up.

But the IEPA will allow developers to leave relatively low levels of chemicals in the soil if the developers can prove that it will not be ingested by humans — that's where the groundwater restriction ordinance comes in. The theory is that if residents can't drill a well to access it, then they can't drink it.

This week's approval of stricter notification rules dates back to 2011, when advocates started pushing for a repeal of the ordinance. Organizers with the Fifth and Hill Neighborhood Rights Campaign, which focuses mainly on the Ameren Illinois cleanup of the site of a former coal gasification plant at the intersection, said the ordinance only allows businesses to avoid a comprehensive cleanup and subjects nearby residents to dangerous chemicals.

Repealing the ordinance would have meant five agencies would have lost their IEPA approval of their site cleanups. During a city council discussion in September 2011, business owners said it potentially would cost millions of dollars to go back in and clear all the contamination.

They also said it could slow or eliminate development and environmental cleanups because builders would not want to deal with the cost.

The city council ultimately decided not to repeal the ordinance but to add the new notification rules. During Tuesday's city council meeting, the Fifth and Hill neighborhood group returned with a partial endorsement of the amendment.

While they continue to believe that the groundwater restriction ordinance is harmful, said organizer Grant

Antoline, "we whole-heartedly believe that the public has a right to know what's going on in their backyard."

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